

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ELIAS JOSEPH KARAM,

Plaintiff,

vs.

META PLATFORMS, INC.,

Defendant.

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SA-24-CV-00720-OLG

ORDER

Before the Court in the above-styled cause of action is Plaintiff's Motion to Amend Complaint [#10]. Plaintiff, who is proceeding *pro se*, asks the Court for leave to amend his complaint to add claims under the ADA. Rule 15 of the Federal Rules of Civil Procedure governs amendment of pleadings. A party may amend its pleadings once as a matter of course within certain time limits set forth in the rule. *See* Fed. R. Civ. P. 15(a)(1) (stating that a party may amend a pleading no later than 21 days after serving it or 21 days after service of a motion under Rule 12(b)). Plaintiff has not yet amended his pleading since his case was removed to this Court from the state court where it was filed. Plaintiff filed his motion for leave to amend within 21 days after service of the filing of a motion under Rule 12(b). Also, the Court's Local Rules permit a party to file an amended pleading in response to a motion to dismiss without filing a motion for leave to amend. *See* W.D. Tex. Local Rule CV-15. Therefore, Plaintiff could have filed an amended pleading without first seeking leave of Court.

The Court will therefore direct Plaintiff to file his amended pleading, which should be entitled "First Amended Complaint." This new pleading should contain all claims Plaintiff

wishes to pursue against Defendant in this lawsuit. Any further amendment will require the filing of a motion requesting leave of Court, attaching a copy of the proposed amended pleading to the motion as required by this Court's Local Rules. *See* W.D. Tex. Loc. R. CV-7(b). Upon the filing of Plaintiff's First Amended Complaint, the Court will dismiss Defendant's pending motion to dismiss without prejudice to refiling.

The Court notes that if Defendant files a new motion to dismiss, Plaintiff is only permitted to file one response to the motion to dismiss within 14 days of the motion's filing. *See* W.D. Tex. Local Rule CV-7. Defendant is then permitted to file one reply. *See id.* If Plaintiff wishes the Court to consider any additional responses or replies, he must file a motion for leave to file any supplemental filings. In almost all circumstances, the Court will not consider anything beyond a motion, response, and reply in ruling on a motion. Plaintiff should refrain from filing additional filings beyond the standard response permitted under this Court's Local Rules.

Finally, Plaintiff recently filed a proposed Settlement Agreement on the docket. The parties are not permitted to file any documents pertaining to settlement offers or confidential settlement negotiations on the docket. Plaintiff is directed to refrain from doing so in the future, and the Court will strike this filing.

IT IS HEREBY ORDERED that Plaintiff's Motion to Amend Complaint [#10] is **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff file a "First Amended Complaint" containing all of the claims at issue against Defendant that will replace all previous pleadings and be the single live pleading in this case on or before **August 1, 2024**.

IT IS FINALLY ORDERED that the Clerk of Court **STRIKE** the Settlement Agreement and Release [#11] filed by Plaintiff.

SIGNED this 23rd day of July, 2024.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE